

**REMARKS**

Reconsideration of this application and entry of this amendment are requested. Claims 16-18 are active in the application subsequent to entry of this amendment.

It is proposed to amend the claims in order to reduce issues raised in the outstanding Official Action. To this end previous claims 1-5, 8 and 12-15 have been withdrawn leaving for consideration claims 16-18.

This amendment should be entered as it does not raise new issues and, in fact, reduces issues.

Claims 5 and 15 have attracted a rejection of alleged obviousness-type double patenting. These claims have been withdrawn thus the rejection should be withdrawn.

Claims 15-18 which include claims 16-18 still active in the application have attracted a rejection of "obviousness" "over applicant's own admissions". The examiner's opinion is set forth in items 2 and 4 of the Official Action. In it, the examiner argues that while it is true that the text of the application as filed supports synergism for the combination of simvastatin and propionyl L-carnitine, there is no evidence to support synergism of other alkanoyl L-carnitines and other statins.

Following the teachings of the present invention and the data contained in it, applicant's point out that the surprising synergistic effect obtained using propionyl L-carnitine in association with simvastatin would be obtainable with a high probability of success, using other short chain alkanoyl L-carnitines.

Reconsideration of this application, entry of this amendment and favorable action are solicited.

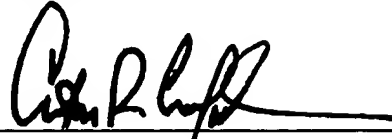
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Serial No. 09/628,345

Respectfully submitted,

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